

REMARKS

With the foregoing amendment claims 1-19 and 21-26 are pending in the application. Claims 1, 10, 14 and 25 independent. No new matter has been added by the amendments. Applicant respectfully requests reconsideration of the Rejections/Objections, which are discussed below.

Claim Rejections under 35 U.S.C. § 112

Claims 1-9 and 21-26 stand rejected under Claim Rejections under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant submits that the amendments above obviate the rejection as the claims no longer require a “remote server,” but not rather require an “external device.” Applicant would like to note, however, that anyone of ordinary skill in the art would appreciate that a “remote server” is inherently disclosed in the specification because the specification explicitly recites a “website” and, inherently, every website includes an HTTP server, or, at the very least, one of ordinary skill in the art would realize that an HTTP server is a critical component of a website. Thus, the mere fact that the specification does not use the exact phraseology “remote server” does not mean that the term “remote server” is not supported by the specification.

Objection to the Drawings

The drawings are objected to because they do not show the claimed “external device.” In response to this rejection, we propose adding a new drawing sheet containing FIG. 3 to the application. FIG. 3 shows interface 106 coupled to external device 107 through a network 301. The new drawing sheet is enclosed. No new matter has been added.

First Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claims 1-5, 7, 9 and 21-26 are rejected under 35 U.S.C. 103 as being unpatentable over IBM Technical Disclosure Bulletin – “Dynamic Time-Dependent User Interface

Modification” (hereafter “IBM”) in view of Barlock (US 6,651,095). Applicant respectfully traverses.

With respect to claim 1, claim 1 is patentable over IBM in view of Barlock because neither IBM nor Barlock, considered alone or in combination, teach or suggest all of the features recited in claim 1. For example, at the least, neither IBM nor Barlock teach or suggest an electronic information retrieval device that is connected to a network and that includes a processor that “obtains a current time value from said time source upon initialization of said web browser, compares said current time value to said plurality of time values to determine whether a match exists, retrieves a particular resource locator from said memory based on the result of said comparison, and configures the web browser to use said particular resource locator to retrieve a web page corresponding to the resource locator ...,” as is recited in claim 1.

The Examiner appears to agree that neither IBM nor Barlock teach or suggest this feature because in rejecting claims 21-26 the Examiner merely states, “one of ordinary skill in the art ... would have recognized that the memory would obviously be capable for storing a network address of the server or Uniform Resource Location [sic] (URL) and set as default value.”

Applicant respectfully submits that it is not obvious to: (1) obtain the current time of day in response to initialization of a web browser, (2) select a resource locator based on the current time of day, and (3) configure the web browser to use the selected resource locator to obtain a web page corresponding to the selected resource locator as is required by claim 1. If the Examiner insists on claiming that this feature is obvious, the Examiner must provide some objective evidence (e.g., a prior art patent or other piece of prior art) that shows this feature is obvious. In short, the Examiner must do more than merely state in a conclusory fashion that “it would have been obvious.” Accordingly, claim 1 is patentable over IBM in view of Barlock. With respect to claims 2-5, 7, 9, and 21-24, each of these claims depends from claim 1 and is therefore patentable for at least the same reasons given above.

With respect to claim 25, claim 25 is patentable over IBM in view of Barlock because neither IBM nor Barlock, considered alone or in combination, teach or suggest all of the features recited in claim 25. For example, at the least, neither IBM nor Barlock teach or

suggest “a device for receiving cable television channels and/or radio channels, comprising ... a processor [that] obtains a current time value from said time source upon initialization of said device, compares said current time value to [a] plurality of time values to determine whether a match exists, retrieves a particular channel identifier ... based on the result of said comparison, and automatically tunes [a] receiving means to the channel identified by the channel identifier,” as is recited in claim 25.

The Examiner contends that “it would have been obvious to apply the teachings of IBMTDB in different environments depends on the intended use.” However, the Examiner does not support this contention with any facts or evidence. If the Examiner insists on claiming that the invention defined by claim 25 is obvious, the Examiner must provide some objective evidence (e.g., a prior art patent or other piece of prior art) that shows that all of the features of claim 25 are taught or suggested by the prior art. There is nothing in the IBMTDB reference or the Barlock reference to suggest applying the teachings of either to a device for receiving television or radio channels or to automatically tune such a device based on the time/day/week/month when the device is activated. Accordingly, the rejection of claims 25-26 should be withdrawn.

Second Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claim 6 is rejected under 35 U.S.C. 103 as being unpatentable over IBM in view of Barlock and Kim (U.S. 5,892,503). Applicant respectfully traverses.

Claim 6 depends from claim 1 and is therefore patentable over IBM for at least the same reasons given above.

Third Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claims 8, 10, and 12-20 are rejected under 35 U.S.C. 103 as being unpatentable over IBM in view of Barlock and Frederiksen (U.S. 6,195,596). Applicant respectfully traverses.

Claim 8 depends from claim 1 and is therefore patentable over the prior art for at least the same reasons given above with respect to claim 1. Additionally, claim 8 requires “an initialization use pattern that records (1) a user’s actions and (2) time of day information

that identifies the time period in which the action occurred”. Neither IBM, Barlock nor Frederiksen, considered alone or in combination, teach or suggest this feature of claim 8.

The Office agrees that IBM and Barlock do not teach or suggest the claimed “initialization use pattern.” However, the Office submits that Frederiksen makes up for the deficient teachings of IBM and Barlock. Applicant respectfully disagrees.

Applicant admits that Frederiksen discloses a “use pattern.” However, the use pattern disclosed in Frederiksen does not record both (1) a user’s selections and (2) time of day information. Rather, the use pattern disclosed in Frederiksen records only the user’s selections. It does not record the time at which the user made the selection nor does it record the time period in which the user made the selection. Thus, Frederiksen does not teach or suggest all of the features of claim 8. For at least this reason, the rejection of claim 8 should be withdrawn.

As an additional matter, it is improper for the Office to rely on the teachings of Frederiksen because Frederiksen is not “analogous prior art.” See M.P.E.P. 2141.01(a). In order to rely on Frederiksen, Frederiksen must be either in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor is concerned. Id. In this case, Frederiksen is neither in the field of applicant’s endeavor nor reasonably pertinent to the particular problem with which the applicant is concerned.

The field of applicant’s endeavor is “using time based initialization default values.” See Application, page 2. Frederiksen has nothing to do with time-based initialization default values. Frederiksen discloses a mobile phone having a plurality of states, wherein each state is associated with a group of available user functions. Frederiksen further discloses that one of the functions in a given group of functions is selected as the “default.” However, this “default” taught by Frederiksen is not a “time based initialization default value” because it is not selected based on, for example, what time of day it is or what day of the week it is. Rather, the default taught by Frederiksen is nothing more than an ordinary, run-of-the-mill default value. Accordingly, Frederiksen is not in the field of applicant’s endeavor.

Further, Frederiksen is not reasonably pertinent to the particular problem with which the applicant is concerned. The applicant is concerned with the problem that whenever a conventional device or application is initialized, the device/application uses the same default

value regardless of the time-of-day (or day of week, etc.). This is a problem because, for example, many users would like to have their device/application initially configured one way in the morning and initially configured a different way in the evening. Frederiksen is not pertinent to this problem because all that Frederiksen is concerned with is the fact that conventional mobile phones do not have a user-friendly menu dialog. See Frederiksen, col. 1, lines 18-22 (“When the user enters information into the display and depresses one of the soft keys, all the entered information will disappear from the display and a menu image will appear. This is not a user-friendly way to handle the menu dialog.”). Thus, Frederiksen is not reasonably pertinent to the particular problem with which the applicant is concerned.

In short, it is improper for the Office to rely on the teachings of Frederiksen because Frederiksen is not “analogous prior art.” For this additional, independent reason, Applicant respectfully requests that the rejection of claim 8 be withdrawn.

With respect to claim 10 the above remarks for claim 8 apply because, like claim 8, claim 10 requires “an initialization use pattern that records (1) a user’s actions and (2) time of day information that identifies the time period in which the action occurred”.

With respect to claims 12 and 13, each of these claims depends from claim 10 and are therefore patentable over IBM in view of Barlock and Frederiksen for at least the same reasons given above.

With respect to claim 14, the above remarks for claim 1 apply because, similar to claim 1, claim 14 requires “obtaining a current time value upon initialization of an application stored in a memory coupled to the device, wherein the application is a web browser; comparing said current time value to a plurality of time values; retrieving a corresponding resource locator from a plurality of resource locators if said current time value matches a predetermined time value of said plurality of time values; and configuring the web browser to use said corresponding resource locator to retrieve information stored remotely from the information retrieval device for output to an output device.”

With respect to claim 15-19, each of these claims depends from claim 14 and are therefore patentable over IBM in view of Barlock and Frederiksen for at least the same reasons given above with respect to claim 14.


Fourth Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claim 11 is rejected under 35 U.S.C. 103 as being unpatentable over IBM in view of Barlock and Frederiksen and further in view of Kim. Applicant respectfully traverses. Claim 11 depends from claim 10 and is therefore patentable over the prior art for at least the same reasons given above with respect to claim 10.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Amendments to the Drawings

The attached new drawing sheet includes new FIG. 3.

Attachment: New Drawing Sheet